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 LIFE INSURANCE COMPANY OF NORTH AMERICA, an  
 7 Illinois corporation, GROUP LONG TERM DISABILITY  
 INSURANCE PLAN FOR ADMINISTAFF OF TEXAS  
 8 INC. AND PARTICIPATING COMPANIES, a group  
 Welfare benefits plan under ERISA  
 9

10 UNITED STATES DISTRICT COURT

11 SOUTHERN DISTRICT OF CALIFORNIA

|  |   |                                |
|--|---|--------------------------------|
| 12 TODD NASH, an individual                | ) | Case No.: 08 CV 0893 WQH (RBB) |
|  | ) | Action Filed: May 20, 2008     |
| 13 Plaintiff,                              | ) | Judge: Hon. William Q. Hayes   |
| 14 v.                                      | ) |                                |
|  | ) | <b>DEFENDANTS' ANSWER TO</b>   |
| 15 LIFE INSURANCE COMPANY OF NORTH         | ) | <b>COMPLAINT</b>               |
| 16 AMERICA, an Illinois corporation, GROUP | ) |                                |
| 17 LONG TERM DISABILITY INSURANCE          | ) |                                |
| 18 PLAN FOR ADMINISTAFF OF TEXAS           | ) |                                |
| 19 INC. AND PARTICIPATING COMPANIES,       | ) |                                |
| a group welfare benefits plan under ERISA, | ) |                                |
|  | ) |                                |
| 20 Defendant.                              | ) |                                |

20 COME NOW Defendants LIFE INSURANCE COMPANY OF NORTH AMERICA  
 21 ("LINA") and GROUP LONG TERM DISABILITY INSURANCE PLAN FOR  
 22 ADMINISTAFF OF TEXAS INC. AND PARTICIPATING COMPANIES ("the PLAN")  
 23 (collectively referred to as "Defendants") and hereby answer Plaintiff TODD NASH's  
 24 ("Plaintiff") Complaint in accordance with the numbered Paragraphs therein, admitting,  
 25 denying, and alleging as follows:

26 Federal Rule of Civil Procedure 8(a)(2) states, in pertinent part, that a pleading that sets  
 27 forth a claim for relief shall provide a "short and plain statement of the claim showing that the  
 28 pleader is entitled to relief." Moreover, Rule 8(e)(1) states that "[e]ach averment of a pleading

1 shall be simple concise, and direct.” The Complaint violated these provisions as it contains  
 2 partial quotes, unnecessary advocacy, and footnotes defining and discussing medical terms. In  
 3 answering the Complaint, Defendants are only required to address the averments upon which  
 4 Plaintiff relies to allegedly state a claim.

### 5 ANSWERS TO COMPLAINT

6 1. In response to Paragraph 1 of the Complaint, Defendants admit that a controversy  
 7 exists between the parties as to benefits under the Plan, that the Employee Retirement Income  
 8 Security Act of 1974 (“ERISA”), 26 U.S.C. § 1001 et seq., governs Plaintiff’s claims in this  
 9 action, and that jurisdiction is proper.

10 2. In response to Paragraph 2 of the Complaint, Defendants admit that venue is  
 11 proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

12 3. In response to Paragraph 3 of the Complaint, Defendants admit that a  
 13 controversy exists between the parties as to benefits under the Plan and that the Employee  
 14 Retirement Income Security Act of 1974 (“ERISA”), 26 U.S.C. § 1001 et seq., governs  
 15 Plaintiff’s claims in this action. Defendants admit Plaintiff has fully exhausted his  
 16 administrative remedies under the Plan.

17 4. In response to Paragraph 4 of the Complaint, Defendants admit that the terms of  
 18 the Complaint are contained within the document itself which is the best proof and evidence of  
 19 the nature and import of the document. Defendants deny that they should be enjoined from  
 20 adding new procedures to claims handling, the Plan or any other related activity.

21 5. In response to Paragraph 5 of the Complaint, Defendants admit that a  
 22 controversy exists between the parties as to benefits under the Plan and that the Employee  
 23 Retirement Income Security Act of 1974 (“ERISA”), 26 U.S.C. § 1001 et seq., governs  
 24 Plaintiff’s claims in this action. Defendants further admit that LINA is the claims administrator  
 25 of the Plan, providing insurance under a group policy responsible for making benefits and  
 26 eligibility decisions under the Plan. Defendants deny that Plaintiff is entitled to further long  
 27 term disability (“LTD”) benefits under the Plan, or pre-judgment or post-judgment interest, or  
 28 attorneys’ fees and costs. Except as expressly admitted or denied herein, Defendants deny all

1 other allegations contained therein.

2 6. In response to Paragraph 6 of the Complaint, Defendants are without knowledge  
3 or information sufficient to form a belief as to the truth of the allegations therein, and, on that  
4 basis, admit that Plaintiff was and is a resident and citizen of the County of San Diego, State of  
5 California.

6 7. In response to Paragraph 7 of the Complaint, Defendants admit that LINA issued  
7 Group Plan Number SLK-030024, pursuant to ERISA, on behalf of Morpho Technologies  
8 ("Morpho"), and that the terms of the Plan are contained within the document itself which is the  
9 best proof and evidence of the nature and import of the document.

10 8. In response to Paragraph 8 of the Complaint, Defendants are without knowledge  
11 or information sufficient to form a belief as to the truth of the allegations therein, and, on that  
12 basis, admit that Administaff, Inc. whose corporate headquarters are located in Houston, Texas,  
13 has 49 offices in 24 markets, including San Diego and Los Angeles.

14 9. In response to Paragraph 9 of the Complaint, Defendants admit the allegations in  
15 said Paragraph.

16 10. In response to Paragraph 10 of the Complaint, Defendants admit that LINA is a  
17 subsidiary of CIGNA.

18 11. In response to Paragraph 7 of the Complaint, Defendants admit that LINA issued  
19 Group Plan Number SLK-030024, pursuant to ERISA, on behalf of Morpho Technologies  
20 ("Morpho"), and that the terms of the Plan are contained within the document itself which is the  
21 best proof and evidence of the nature and import of the document. Defendants deny that  
22 Plaintiff is entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment  
23 interest, or attorneys' fees and costs.

24 12. In response to Paragraph 12 of the Complaint, Defendants admit that the terms of  
25 the Plan are contained within the document itself which is the best proof and evidence of the  
26 nature and import of the document and that Plaintiff's employment records are the best proof  
27 and evidence of his "Class" of insurance. Defendants deny that Plaintiff is entitled to further  
28

1 LTD benefits under the Plan or pre-judgment or post-judgment interest, or attorneys' fees and  
2 costs.

3 13. In response to Paragraph 13 of the Complaint, Defendants admit that the terms of  
4 the Plan are contained within the document itself which is the best proof and evidence of the  
5 nature and import of the document. Defendants deny that Plaintiff is entitled to further LTD  
6 benefits under the Plan or pre-judgment or post-judgment interest, or attorneys' fees and costs.

7 14. In response to Paragraph 14 of the Complaint, Defendants admit that the terms of  
8 the Plan are contained within the document itself which is the best proof and evidence of the  
9 nature and import of the document. Defendants deny that Plaintiff is entitled to further LTD  
10 benefits under the Plan or pre-judgment or post-judgment interest, or attorneys' fees and costs.

11 15. In response to Paragraph 15 of the Complaint, Defendants admit that the terms of  
12 the Plan are contained within the document itself which is the best proof and evidence of the  
13 nature and import of the document. Defendants deny that Plaintiff is entitled to further LTD  
14 benefits under the Plan or pre-judgment or post-judgment interest, or attorneys' fees and costs.

15 16. In response to Paragraph 16 of the Complaint, Defendants admit that the terms of  
16 the Plan are contained within the document itself which is the best proof and evidence of the  
17 nature and import of the document. Defendants deny that Plaintiff is entitled to further LTD  
18 benefits under the Plan or pre-judgment or post-judgment interest, or attorneys' fees and costs.

19 17. In response to Paragraph 17 of the Complaint, Defendants admit that the terms of  
20 the Plan are contained within the document itself which is the best proof and evidence of the  
21 nature and import of the document. Defendants deny that Plaintiff is entitled to further LTD  
22 benefits under the Plan or pre-judgment or post-judgment interest, or attorneys' fees and costs.

23 18. In response to Paragraph 18 of the Complaint, Defendants admit that the terms of  
24 the Plan are contained within the document itself which is the best proof and evidence of the  
25 nature and import of the document. Defendants deny that Plaintiff is entitled to further LTD  
26 benefits under the Plan or pre-judgment or post-judgment interest, or attorneys' fees and costs.

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1           19.       In response to Paragraph 19 of the Complaint, Defendants admit that the terms of  
2 the Plan are contained within the document itself which is the best proof and evidence of the  
3 nature and import of the document. Defendants deny that Plaintiff is entitled to further LTD  
4 benefits under the Plan or pre-judgment or post-judgment interest, or attorneys' fees and costs.

5           20.       In response to Paragraph 20 of the Complaint, Defendants admit that the terms of  
6 the Plan are contained within the document itself which is the best proof and evidence of the  
7 nature and import of the document. Defendants further admit that LINA is the claims  
8 administrator of said Plan, providing insurance under a group policy responsible for making  
9 benefits and eligibility decisions under the Plan. Defendants deny that Plaintiff is entitled to  
10 further LTD benefits under the Plan or pre-judgment or post-judgment interest, or attorneys'  
11 fees and costs.

12           21.       In response to Paragraph 21 of the Complaint, Defendants are without  
13 knowledge or information sufficient to form a belief as to the truth of the allegations therein,  
14 and, on that basis, admit that Plaintiff was employed by Morpho in September 2003.  
15 Defendants further admit that Plaintiff's claim file and records and file, including pay stubs and  
16 employment records, are the best proof and evidence of the nature and import of those  
17 documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
18 pre-judgment or post-judgment interest, or attorneys' fees and costs.

19           22.       In response to Paragraph 22 of the Complaint, Defendants admit that Plaintiff's  
20 claims file and records, including employment records, are the best proof and evidence of the  
21 nature and import of those documents. Defendants deny that Plaintiff is entitled to further LTD  
22 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

23           23.       In response to Paragraph 23 of the Complaint, Defendants are without  
24 knowledge or information sufficient to form a belief as to the truth of the allegations therein,  
25 and, on that basis, admit that Plaintiff was the Vice President of Business Development at  
26 Morpho. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
27 pre-judgment or post-judgment interest, or attorneys' fees and costs.  
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1           24.     In response to Paragraph 24 of the Complaint, Defendants admit that Plaintiff's  
2 claims file and records, including employment records, are the best proof and evidence of the  
3 nature and import of those documents. Defendants are without knowledge or information  
4 sufficient to form a belief as to the truth of the remaining allegations and, on that basis, deny the  
5 remaining allegations in said Paragraph. Defendants deny that Plaintiff is entitled to further  
6 LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and  
7 costs.

8           25.     In response to Paragraph 25 of the Complaint, Defendants admit that Plaintiff's  
9 claims file and records, including employment records, are the best proof and evidence of the  
10 nature and import of those documents. Defendants are without knowledge or information  
11 sufficient to form a belief as to the truth of the remaining allegations and, on that basis, deny the  
12 remaining allegations in said Paragraph. Defendants deny that Plaintiff is entitled to further  
13 LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and  
14 costs.

15           26.     In response to Paragraph 26 of the Complaint, Defendants admit that Plaintiff's  
16 claims file and records, including employment records, are the best proof and evidence of the  
17 nature and import of those documents. Defendants are without knowledge or information  
18 sufficient to form a belief as to the truth of the remaining allegations and, on that basis, deny the  
19 allegations in said Paragraph. Defendants deny that Plaintiff is entitled to further LTD benefits  
20 under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

21           27.     In response to Paragraph 27 of the Complaint, Defendants admit that Plaintiff's  
22 claims file and records, including employment records, are the best proof and evidence of the  
23 nature and import of those documents. Defendants are without knowledge or information  
24 sufficient to form a belief as to the truth of the remaining allegations and, on that basis, deny the  
25 allegations in said Paragraph. Defendants deny that Plaintiff is entitled to further LTD benefits  
26 under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

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1           28. In response to Paragraph 28 of the Complaint, Defendants admit that the  
2 definitions adopted and/or codified by the United States Department of Labor are the best proof  
3 and evidence of the nature and import of those terms. Defendants deny that Plaintiff is entitled  
4 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
5 fees and costs.

6           29. In response to Paragraph 29 of the Complaint, Defendants admit that the  
7 definitions adopted and/or codified by the United States Department of Labor are the best proof  
8 and evidence of the nature and import of those terms. Defendants deny that Plaintiff is entitled  
9 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
10 fees and costs.

11           30. In response to Paragraph 30 of the Complaint, Defendants admit that the  
12 definitions adopted and/or codified by the United States Department of Labor are the best proof  
13 and evidence of the nature and import of those terms. Defendants deny that Plaintiff is entitled  
14 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
15 fees and costs.

16           31. In response to Paragraph 31 of the Complaint, Defendants admit that the  
17 Department of Labor's former Dictionary of Occupational Titles, the Occupational Outlook  
18 Handbook and the Occupational Information Network located at <http://online.onetcenter.org> are  
19 the best proof and evidence of the nature and import of those documents. Defendants deny that  
20 Plaintiff is entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment  
21 interest, or attorneys' fees and costs.

22           32. In response to Paragraph 32 of the Complaint, Defendants admit that documents  
23 published and/or circulated by the Occupational Information Network located at  
24 <http://online.onetcenter.org>, the American Insurance Association, the Insurance Information  
25 Institute, the National Association of Independent Insurers and the Group Underwriters  
26 Association of America stating their endorsements are the best proof and evidence of the  
27 nature and import of those documents. Defendants deny that Plaintiff is entitled to further LTD  
28 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.



1           33. In response to Paragraph 33 of the Complaint, Defendants admit that Plaintiff's  
2 claims and records, including medical records, are the best proof and evidence of the nature and  
3 import of those documents. Defendants are without knowledge or information sufficient to  
4 form a belief as to the truth of the allegations and, on that basis, deny the allegations in said  
5 Paragraph. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
6 pre-judgment or post-judgment interest, or attorneys' fees and costs.

7           34. In response to Paragraph 34 of the Complaint, Defendants admit that Plaintiff's  
8 claims file and records, including medical records, are the best proof and evidence of the nature  
9 and import of those documents. Defendants are without knowledge or information sufficient to  
10 form a belief as to the truth of the allegations and, on that basis, deny the allegations in said  
11 Paragraph. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
12 pre-judgment or post-judgment interest, or attorneys' fees and costs.

13           35. In response to Paragraph 35 of the Complaint, Defendants admit that Plaintiff's  
14 claim file and records, including medical records, are the best proof and evidence of the nature  
15 and import of those documents. Defendants are without knowledge or information sufficient to  
16 form a belief as to the truth of the allegations and, on that basis, deny the allegations in said  
17 Paragraph. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
18 pre-judgment or post-judgment interest, or attorneys' fees and costs.

19           36. In response to Paragraph 36 of the Complaint, Defendants admit that Plaintiff's  
20 claim file and records, including documentation of Plaintiff's July 2003 radiographic testing and  
21 August 8, 2003 standing AP of the Hips, are the best proof and evidence of the nature and  
22 import of those documents. Defendants are without knowledge or information sufficient to  
23 form a belief as to the truth of the allegations and, on that basis, deny the allegations in said  
24 Paragraph. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
25 pre-judgment or post-judgment interest, or attorneys' fees and costs.

26           37. In response to Paragraph 37 of the Complaint, Defendants admit that Plaintiff's  
27 claim file and records, including Plaintiff's medical records, are the best proof and evidence of  
28 the nature and import of those documents. Defendants are without knowledge or information



1 sufficient to form a belief as to the truth of the allegations and, on that basis, deny the  
2 allegations in said Paragraph. Defendants deny that Plaintiff is entitled to further LTD benefits  
3 under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

4 38. In response to Paragraph 38 of the Complaint, Defendants admit that Plaintiff's  
5 claim file and records, including Plaintiff's medical records, are the best proof and evidence of  
6 the nature and import of those documents. Defendants are without knowledge or information  
7 sufficient to form a belief as to the truth of the allegations and, on that basis, deny the  
8 allegations in said Paragraph. Defendants deny that Plaintiff is entitled to further LTD benefits  
9 under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

10 39. In response to Paragraph 39 of the Complaint, Defendants admit that Plaintiff's  
11 claim file and records, including Plaintiff's medical records, are the best proof and evidence of  
12 the nature and import of those documents. Defendants are without knowledge or information  
13 sufficient to form a belief as to the truth of the allegations and, on that basis, deny the  
14 allegations in said Paragraph. Defendants deny that Plaintiff is entitled to further LTD benefits  
15 under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

16 40. In response to Paragraph 40 of the Complaint, Defendants admit that Plaintiff's  
17 claim file and records, including Plaintiff's medical records, are the best proof and evidence of  
18 the nature and import of those documents. Defendants are without knowledge or information  
19 sufficient to form a belief as to the truth of the allegations and, on that basis, deny the  
20 allegations in said Paragraph. Defendants deny that Plaintiff is entitled to further LTD benefits  
21 under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

22 41. In response to Paragraph 41 of the Complaint, Defendants admit that Plaintiff's  
23 claim file and records, including Plaintiff's medical records, are the best proof and evidence of  
24 the nature and import of those documents. Defendants are without knowledge or information  
25 sufficient to form a belief as to the truth of the allegations and, on that basis, deny the  
26 allegations in said Paragraph. Defendants deny that Plaintiff is entitled to further LTD benefits  
27 under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.  
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1           42. In response to Paragraph 42 of the Complaint, Defendants admit that Plaintiff's  
2 claim file and records, including Plaintiff's medical records, are the best proof and evidence of  
3 the nature and import of those documents. Defendants are without knowledge or information  
4 sufficient to form a belief as to the truth of the allegations and, on that basis, deny the  
5 allegations in said Paragraph. Defendants deny that Plaintiff is entitled to further LTD benefits  
6 under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

7           43. In response to Paragraph 43 of the Complaint, Defendants admit that Plaintiff's  
8 claim file and records, including Plaintiff's medical records and employment records, are the  
9 best proof and evidence of the nature and import of those documents. Defendants are without  
10 knowledge or information sufficient to form a belief as to the truth of the allegations and, on  
11 that basis, deny the allegations in said Paragraph. Defendants deny that Plaintiff is entitled to  
12 further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
13 fees and costs.

14           44. In response to Paragraph 44 of the Complaint, Defendants admit that Plaintiff's  
15 claim file and records, including Plaintiff's medical records, as well as pharmaceutical literature  
16 about narcotic pain medications are the best proof and evidence of the nature and import of  
17 those documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the  
18 Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

19           45. In response to Paragraph 45 of the Complaint, Defendants admit that Plaintiff's  
20 claim file and records, including Plaintiff's medical records and employment records, are the  
21 best proof and evidence of the nature and import of those documents. Defendants are without  
22 knowledge or information sufficient to form a belief as to the truth of the allegations and, on  
23 that basis, deny the allegations in said Paragraph. Defendants deny that Plaintiff is entitled to  
24 further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
25 fees and costs.

26           46. In response to Paragraph 46 of the Complaint, Defendants admit that Plaintiff's  
27 claim file and records, including Plaintiff's medical records and employment records, are the  
28 best proof and evidence of the nature and import of those documents. Defendants are without

1 knowledge or information sufficient to form a belief as to the truth of the allegations and, on  
2 that basis, deny the allegations in said Paragraph. Defendants deny that Plaintiff is entitled to  
3 further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
4 fees and costs.

5 47. In response to Paragraph 47 of the Complaint, Defendants admit that Plaintiff's  
6 claim file and records, including Plaintiff's medical records, are the best proof and evidence of  
7 the nature and import of those documents. Defendants are without knowledge or information  
8 sufficient to form a belief as to the truth of the allegations and, on that basis, deny the  
9 allegations in said Paragraph. Defendants deny that Plaintiff is entitled to further LTD benefits  
10 under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

11 48. In response to Paragraph 48 of the Complaint, Defendants admit that Plaintiff's  
12 claim file and records, including Plaintiff's medical records and employment records, are the  
13 best proof and evidence of the nature and import of those documents. Defendants are without  
14 knowledge or information sufficient to form a belief as to the truth of the allegations and, on  
15 that basis, deny the allegations in said Paragraph. Defendants deny that Plaintiff is entitled to  
16 further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
17 fees and costs.

18 49. In response to Paragraph 49 of the Complaint, Defendants admit that Plaintiff's  
19 claim file and records, including Plaintiff's medical records and employment records, are the  
20 best proof and evidence of the nature and import of those documents. Defendants are without  
21 knowledge or information sufficient to form a belief as to the truth of the allegations and, on  
22 that basis, deny the allegations in said Paragraph. Defendants deny that Plaintiff is entitled to  
23 further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
24 fees and costs.

25 50. In response to Paragraph 50 of the Complaint, Defendants admit that Plaintiff's  
26 claim file and records, including Plaintiff's medical records, are the best proof and evidence of  
27 the nature and import of those documents. Defendants are without knowledge or information  
28 sufficient to form a belief as to the truth of the allegations and, on that basis, deny the

1 allegations in said Paragraph. Defendants deny that Plaintiff is entitled to further LTD benefits  
2 under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

3 51. In response to Paragraph 51 of the Complaint, Defendants admit that Plaintiff's  
4 claim file and records, including Plaintiff's medical records and notes taken by Plaintiff's  
5 treating orthopedist, Dr. Tohidi on September 5, 2003, are the best proof and evidence of the  
6 nature and import of those documents. Defendants deny that Plaintiff is entitled to further LTD  
7 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

8 52. In response to Paragraph 52 of the Complaint, Defendants admit that Plaintiff's  
9 claim file and records, including Plaintiff's medical records and notes taken by Plaintiff's  
10 treating orthopedist, Dr. Tohidi, are the best proof and evidence of the nature and import of  
11 those documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the  
12 Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

13 53. In response to Paragraph 53 of the Complaint, Defendants admit that Plaintiff's  
14 claim file and records, including Plaintiff's medical records and employment records, are the  
15 best proof and evidence of the nature and import of those documents. Defendants further admit  
16 that the terms of the Plan are contained within the document itself which is the best proof and  
17 evidence of the nature and import of the document. Defendants are only required to respond to  
18 factual allegations, not to allegations concerning Plaintiff's application and interpretation of the  
19 law. Defendants are without knowledge or information sufficient to form a belief as to the truth  
20 of the remaining allegations and, on that basis, except as expressly admitted or denied herein,  
21 deny the remaining allegations in said Paragraph. Defendants deny that Plaintiff is entitled to  
22 further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
23 fees and costs.

24 54. In response to Paragraph 54 of the Complaint, Defendants admit that Plaintiff's  
25 claim file and records, including Plaintiff's medical records and employment records, are the  
26 best proof and evidence of the nature and import of those documents. Defendants are without  
27 knowledge or information sufficient to form a belief as to the truth of the allegations and, on  
28 that basis, deny the allegations in said Paragraph. Defendants deny that Plaintiff is entitled to

1 further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
2 fees and costs.

3 55. In response to Paragraph 55 of the Complaint, Defendants admit that Plaintiff  
4 submitted a claim to LINA. Defendants further admit that Plaintiff's claim file and records,  
5 including medical records, are the best proof and evidence of the nature and import of those  
6 documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
7 pre-judgment or post-judgment interest, or attorneys' fees and costs.

8 56. In response to Paragraph 56 of the Complaint, Defendants admit that Plaintiff's  
9 claim file and records, including employment records and pay stubs, are the best proof and  
10 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
11 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
12 fees and costs.

13 57. In response to Paragraph 57 of the Complaint, Defendants admit that Plaintiff's  
14 claim file and records, including employment records and pay stubs, are the best proof and  
15 evidence of the nature and import of those documents. Defendants further admit that the terms  
16 of the Plan are contained within the document itself which is the best proof and evidence of the  
17 nature and import of the document. Defendants deny that Plaintiff is entitled to further LTD  
18 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

19 58. In response to Paragraph 58 of the Complaint, Defendants admit that Plaintiff's  
20 claim file and records, including employment records and pay stubs, are the best proof and  
21 evidence of the nature and import of those documents. Defendants further admit that the terms  
22 of the Plan are contained within the document itself which is the best proof and evidence of the  
23 nature and import of the document. Defendants are only required to respond to factual  
24 allegations, not to allegations concerning Plaintiff's application and interpretation of the law.  
25 Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or pre-  
26 judgment or post-judgment interest, or attorneys' fees and costs.

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1           59. In response to Paragraph 59 of the Complaint, Defendants admit that LINA  
2 makes monthly LTD payments to qualified claimants. Defendants further admit that the terms  
3 of the Plan are contained within the document itself which is the best proof and evidence of the  
4 nature and import of the document. Defendants deny that Plaintiff is entitled to further LTD  
5 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

6           60. In response to Paragraph 60 of the Complaint, Defendants admit that Plaintiff's  
7 claim file and records, including Plaintiff's medical records, are the best proof and evidence of  
8 the nature and import of those documents. Defendants are without knowledge or information  
9 sufficient to form a belief as to the truth of the allegations and, on that basis, deny the  
10 allegations in said Paragraph. Defendants deny that Plaintiff is entitled to further LTD benefits  
11 under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

12           61. In response to Paragraph 61 of the Complaint, Defendants admit that Plaintiff's  
13 claim file and records, including Morpho General Counsel/Vice-President Human Resources  
14 Mary Beth Carney's description of Plaintiff's occupational duties dated October 9, 2003, is the  
15 best proof and evidence of the nature and import of the document. Defendants deny that  
16 Plaintiff is entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment  
17 interest, or attorneys' fees and costs.

18           62. In response to Paragraph 62 of the Complaint, Defendants admit that LINA paid  
19 Plaintiff STD benefits. Defendants also admit that the terms of the Plan are contained within  
20 the document itself which is the best proof and evidence of the nature and import of the  
21 document. Defendants further admit that Plaintiff's claim file and records, including LINA's  
22 October 14, 2003 letter regarding Plaintiff's STD benefits, is the best proof and evidence of the  
23 nature and import of the document. Defendants deny that Plaintiff is entitled to further LTD  
24 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

25           63. In response to Paragraph 63 of the Complaint, Defendants admit that Plaintiff's  
26 claim file and records, including Plaintiff's employment records, are the best proof and evidence  
27 of the nature and import of those documents. Defendants are without knowledge or information  
28 sufficient to form a belief as to the truth of the allegations and, on that basis, deny the



1 allegations in said Paragraph. Defendants deny that Plaintiff is entitled to further LTD benefits  
2 under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

3 64. In response to Paragraph 64 of the Complaint, Defendants admit that Plaintiff's  
4 claim file and records, including Plaintiff's medical records and reports drafted in January 2004  
5 by Plaintiff's treating orthopedist, Dr. Tohidi, are the best proof and evidence of the nature and  
6 import of those documents. Defendants deny that Plaintiff is entitled to further LTD benefits  
7 under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

8 65. In response to Paragraph 65 of the Complaint, Defendants admit that Plaintiff's  
9 claim file and records, including Plaintiff's medical records and the report drafted on January  
10 14, 2004 by Plaintiff's treating orthopedist, Dr. Tohidi, are the best proof and evidence of the  
11 nature and import of those documents. Defendants deny that Plaintiff is entitled to further LTD  
12 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

13 66. In response to Paragraph 66 of the Complaint, Defendants admit that Plaintiff's  
14 claim file and records, including Plaintiff's medical records and the report drafted on January  
15 14, 2004 by Plaintiff's treating orthopedist, Dr. Tohidi, are the best proof and evidence of the  
16 nature and import of those documents. Defendants deny that Plaintiff is entitled to further LTD  
17 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

18 67. In response to Paragraph 67 of the Complaint, Defendants admit that Plaintiff's  
19 claim file and records, including the January 29, 2004 letter drafted by CIGNA's vocational  
20 rehabilitation counselor, are the best proof and evidence of the nature and import of those  
21 documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
22 pre-judgment or post-judgment interest, or attorneys' fees and costs.

23 68. In response to Paragraph 68 of the Complaint, Defendants admit that Plaintiff's  
24 claim file and records, including Plaintiff's employment records, are the best proof and evidence  
25 of the nature and import of those documents. Defendants are without knowledge or information  
26 sufficient to form a belief as to the truth of the allegations and, on that basis, deny the  
27 allegations in said Paragraph. Defendants deny that Plaintiff is entitled to further LTD benefits  
28 under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.



1           69. In response to Paragraph 69 of the Complaint, Defendants admit that LINA paid  
2 Plaintiff STD benefits. Defendants also admit that the terms of the Plan are contained within  
3 the document itself which is the best proof and evidence of the nature and import of the  
4 document. Defendants further admit that Plaintiff's claim file and records are the best proof and  
5 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
6 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
7 fees and costs.

8           70. In response to Paragraph 70 of the Complaint, Defendants admit that Plaintiff's  
9 claim file and records, including LINA's letter of March 16, 2004, are the best proof and  
10 evidence of the nature and import of those documents. Defendants further admit that the terms  
11 of the Plan are contained within the document itself which is the best proof and evidence of the  
12 nature and import of the document. Defendants deny that Plaintiff is entitled to further LTD  
13 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

14           71. In response to Paragraph 71 of the Complaint, Defendants admit that Plaintiff's  
15 claim file and records, including LINA's letter of March 16, 2004, are the best proof and  
16 evidence of the nature and import of those documents. Defendants further admit that the terms  
17 of the Plan are contained within the document itself which is the best proof and evidence of the  
18 nature and import of the document. Defendants deny that Plaintiff is entitled to further LTD  
19 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

20           72. In response to Paragraph 72 of the Complaint, Defendants admit that Plaintiff's  
21 claim file and records, including Plaintiff's medical records, including receipts for prescription  
22 refills, are the best proof and evidence of the nature and import of those documents. Defendants  
23 are without knowledge or information sufficient to form a belief as to the truth of the allegations  
24 and, on that basis, deny the allegations in said Paragraph. Defendants deny that Plaintiff is  
25 entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or  
26 attorneys' fees and costs.

27           73. In response to Paragraph 73 of the Complaint, Defendants admit that Plaintiff's  
28 claim file and records, including Plaintiff's Social Security Disability Income benefits

1 application, are the best proof and evidence of the nature and import of those documents.  
2 Defendants further admit that the terms of the Plan are contained within the document itself  
3 which is the best proof and evidence of the nature and import of the document. Defendants  
4 deny that Plaintiff is entitled to further LTD benefits under the Plan, or pre-judgment or post-  
5 judgment interest, or attorneys' fees and costs.

6 74. In response to Paragraph 74 of the Complaint, Defendants admit that definitions  
7 codified by the Social Security Administration ("SSA") are the best proof and evidence of the  
8 nature and import of the definitions of terms used by the SSA. Defendants deny that Plaintiff is  
9 entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or  
10 attorneys' fees and costs.

11 75. In response to Paragraph 75 of the Complaint, Defendants admit that Plaintiff's  
12 claim file and records, including the letter from the SSA dated June 5, 2004, are the best proof  
13 and evidence of the nature and import of those documents. Defendants deny that Plaintiff is  
14 entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or  
15 attorneys' fees and costs.

16 76. In response to Paragraph 76 of the Complaint, Defendants admit that Plaintiff's  
17 claim file and records are the best proof and evidence of the nature and import of those  
18 documents. Defendants admit that definitions codified by the Social Security Administration  
19 ("SSA") are the best proof and evidence of the nature and import of the definitions of terms  
20 used by the SSA. Defendants further admit that the terms of the Plan are contained within the  
21 document itself which is the best proof and evidence of the nature and import of the document.  
22 Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or pre-  
23 judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly admitted  
24 or denied herein, Defendants deny the remaining allegations in said paragraph.

25 77. In response to Paragraph 77 of the Complaint, Defendants admit that Plaintiff's  
26 claim file and records, including letters from the Social Security Administration ("SSA"), are  
27 the best proof and evidence of the nature and import of those documents. Defendants admit that  
28 definitions codified by the SSA are the best proof and evidence of the nature and import of the

1 definitions of terms used by the SSA. Defendants further admit that the terms of the Plan are  
2 contained within the document itself which is the best proof and evidence of the nature and  
3 import of the document. Defendants deny that Plaintiff is entitled to further LTD benefits under  
4 the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs. Except as  
5 expressly admitted or denied herein, Defendants deny the remaining allegations in said  
6 paragraph.

7 78. In response to Paragraph 78 of the Complaint, Defendants admit that Plaintiff's  
8 claim file and records, including documents drafted by the SSA are the best proof and evidence  
9 of the nature and import of those documents. Defendants admit that definitions codified by the  
10 Social Security Administration ("SSA") are the best proof and evidence of the nature and  
11 import of the definitions of terms used by the SSA. Defendants further admit that the terms of  
12 the Plan are contained within the document itself which is the best proof and evidence of the  
13 nature and import of the document. Defendants deny that Plaintiff is entitled to further LTD  
14 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.  
15 Except as expressly admitted or denied herein, Defendants deny the remaining allegations in  
16 said paragraph.

17 79. In response to Paragraph 79 of the Complaint, Defendants admit that Plaintiff's  
18 claim file and records, including Plaintiff's medical records and the report drafted on January 4,  
19 2005 by Dr. Tohidi, are the best proof and evidence of the nature and import of those  
20 documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
21 pre-judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly  
22 admitted or denied herein, Defendants deny the remaining allegations in said paragraph.

23 80. In response to Paragraph 80 of the Complaint, Defendants admit that Plaintiff's  
24 claim file and records, including Plaintiff's medical records and the reports drafted by Dr.  
25 Tohidi, are the best proof and evidence of the nature and import of those documents.  
26 Defendants further admit that the terms of the Plan are contained within the document itself  
27 which is the best proof and evidence of the nature and import of the document. Defendants  
28 deny that Plaintiff is entitled to further LTD benefits under the Plan, or pre-judgment or post-

1 judgment interest, or attorneys' fees and costs. Except as expressly admitted or denied herein,  
2 Defendants deny the remaining allegations in said paragraph.

3 81. In response to Paragraph 81 of the Complaint, Defendants admit that Plaintiff's  
4 claim file and records, including Plaintiff's medical records and the reports drafted by Dr.  
5 Tohidi, are the best proof and evidence of the nature and import of those documents.  
6 Defendants further admit that the terms of the Plan are contained within the document itself  
7 which is the best proof and evidence of the nature and import of the document. Defendants  
8 deny that Plaintiff is entitled to further LTD benefits under the Plan, or pre-judgment or post-  
9 judgment interest, or attorneys' fees and costs. Except as expressly admitted or denied herein,  
10 Defendants deny the remaining allegations in said paragraph.

11 82. In response to Paragraph 82 of the Complaint, Defendants admit that Plaintiff's  
12 claim file and records, including Plaintiff's medical records, including receipts for prescription  
13 refills, are the best proof and evidence of the nature and import of those documents. Defendants  
14 are without knowledge or information sufficient to form a belief as to the truth of the allegations  
15 and, on that basis, deny the allegations in said Paragraph. Defendants deny that Plaintiff is  
16 entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or  
17 attorneys' fees and costs.

18 83. In response to Paragraph 83 of the Complaint, Defendants admit that Plaintiff's  
19 claim file and records, including Plaintiff's medical records and the reports drafted by Dr.  
20 Tohidi, are the best proof and evidence of the nature and import of those documents.  
21 Defendants further admit that the terms of the Plan are contained within the document itself  
22 which is the best proof and evidence of the nature and import of the document. Defendants  
23 deny that Plaintiff is entitled to further LTD benefits under the Plan, or pre-judgment or post-  
24 judgment interest, or attorneys' fees and costs.

25 84. In response to Paragraph 84 of the Complaint, Defendants admit that Plaintiff's  
26 claim file and records, including Plaintiff's medical and employment records, are the best proof  
27 and evidence of the nature and import of those documents. Defendants further admit that the  
28 terms of the Plan are contained within the document itself which is the best proof and evidence

1 of the nature and import of the document. Defendants deny that Plaintiff is entitled to further  
2 LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and  
3 costs. Except as expressly admitted or denied herein, Defendants deny the remaining  
4 allegations in said paragraph.

5 85. In response to Paragraph 85 of the Complaint, Defendants admit that the terms of  
6 the Plan are contained within the document itself which is the best proof and evidence of the  
7 nature and import of the document. Defendants deny that Plaintiff is entitled to further LTD  
8 benefits under the Plan or pre-judgment or post-judgment interest, or attorneys' fees and costs.

9 86. In response to Paragraph 86 of the Complaint, Defendants admit that Plaintiff's  
10 claim file and records are the best proof and evidence of the nature and import of those  
11 documents. Defendants further admit that the terms of the Plan are contained within the  
12 document itself which is the best proof and evidence of the nature and import of the document.  
13 Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or pre-  
14 judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly admitted  
15 or denied herein, Defendants deny the remaining allegations in said paragraph.

16 86-a. In response to Paragraph 86-a of the Complaint, Defendants admit that Plaintiff's  
17 claim file and records, including earning records, are the best proof and evidence of the nature  
18 and import of those documents. Defendants further admit that the terms of the Plan are  
19 contained within the document itself which is the best proof and evidence of the nature and  
20 import of the document. Defendants deny that Plaintiff is entitled to further LTD benefits under  
21 the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

22 87. In response to Paragraph 87 of the Complaint, Defendants admit that Plaintiff's  
23 claim file and records, including Plaintiff's medical records and the reports drafted by Drs.  
24 Tohidi and Eccles, are the best proof and evidence of the nature and import of those documents.  
25 Defendants further admit that the terms of the Plan are contained within the document itself  
26 which is the best proof and evidence of the nature and import of the document. Defendants are  
27 without knowledge or information sufficient to form a belief as to the truth of the allegations  
28 and, on that basis, deny the allegations in said Paragraph. Defendants deny that Plaintiff is

1 entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or  
2 attorneys' fees and costs.

3 88. In response to Paragraph 88 of the Complaint, Defendants admit that Plaintiff's  
4 claim file and records, including Plaintiff's medical records and the reports drafted by Dr.  
5 Eccles, are the best proof and evidence of the nature and import of those documents.  
6 Defendants further admit that the terms of the Plan are contained within the document itself  
7 which is the best proof and evidence of the nature and import of the document. Defendants are  
8 without knowledge or information sufficient to form a belief as to the truth of the allegations  
9 and, on that basis, deny the allegations in said Paragraph. Defendants deny that Plaintiff is  
10 entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or  
11 attorneys' fees and costs.

12 89. In response to Paragraph 89 of the Complaint, Defendants admit that Plaintiff's  
13 claim file and records, including Plaintiff's medical records, are the best proof and evidence of  
14 the nature and import of those documents. Defendants deny that Plaintiff is entitled to further  
15 LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and  
16 costs. Except as expressly admitted or denied herein, Defendants deny all remaining allegations  
17 in said Paragraph.

18 90. In response to Paragraph 90 of the Complaint, Defendants admit that Plaintiff's  
19 claim file and records, including Plaintiff's medical records and the reports drafted by Dr.  
20 Eccles and surveillance reports, are the best proof and evidence of the nature and import of  
21 those documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the  
22 Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

23 91. In response to Paragraph 91 of the Complaint, Defendants admit that Plaintiff's  
24 claim file and records, including Plaintiff's medical records and the reports drafted by Drs.  
25 Tohidi and Eccles, are the best proof and evidence of the nature and import of those documents.  
26 Defendants are without knowledge or information sufficient to form a belief as to the truth of  
27 the allegations and, on that basis, deny the allegations in said Paragraph. Defendants deny that  
28



1 Plaintiff is entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment  
2 interest, or attorneys' fees and costs.

3 92. In response to Paragraph 92 of the Complaint, Defendants admit that Plaintiff's  
4 claim file and records, including Dr. Tohidi's October 2005 Physical Ability Assessment form  
5 ("PAA), are the best proof and evidence of the nature and import of those documents.  
6 Defendants are without knowledge or information sufficient to form a belief as to the truth of  
7 the allegations and, on that basis, deny the allegations in said Paragraph. Defendants deny that  
8 Plaintiff is entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment  
9 interest, or attorneys' fees and costs.

10 93. In response to Paragraph 93 of the Complaint, Defendants admit that Plaintiff's  
11 claim file and records, including Dr. Tohidi's October 2005 PAA, are the best proof and  
12 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
13 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
14 fees and costs.

15 94. In response to Paragraph 94 of the Complaint, Defendants admit that Plaintiff's  
16 claim file and records, including Dr. Tohidi's October 2005 PAA form, are the best proof and  
17 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
18 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
19 fees and costs. Except as expressly admitted or denied herein, Defendants deny the remaining  
20 allegations in said Paragraph.

21 95. In response to Paragraph 95 of the Complaint, Defendants admit that Plaintiff's  
22 claim file and records, including surveillance reports, are the best proof and evidence of the  
23 nature and import of those documents. Defendants deny that Plaintiff is entitled to further LTD  
24 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

25 96. In response to Paragraph 96 of the Complaint, Defendants admit that Plaintiff's  
26 claim file and records, including surveillance reports, are the best proof and evidence of the  
27 nature and import of those documents. Defendants deny that Plaintiff is entitled to further LTD  
28 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.



1           97. In response to Paragraph 97 of the Complaint, Defendants admit that Plaintiff's  
2 claim file and records, including surveillance reports, are the best proof and evidence of the  
3 nature and import of those documents. Defendants deny that Plaintiff is entitled to further LTD  
4 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.

5           97-a-e. In response to Paragraph 97-a-e of the Complaint, Defendants admit that  
6 Plaintiff's claim file and records are the best proof and evidence of the nature and import of  
7 those documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the  
8 Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs. Defendants  
9 further admit that the terms of the Plan are contained within the document itself which is the  
10 best proof and evidence of the nature and import of the document. Except as expressly admitted  
11 or denied herein, Defendants deny the remaining allegations in said paragraph.

12           98. In response to Paragraph 98 of the Complaint, Defendants admit that Plaintiff's  
13 claim file and records, including surveillance reports, are the best proof and evidence of the  
14 nature and import of those documents. Defendants are without knowledge or information  
15 sufficient to form a belief as to the truth of the allegations and, on that basis, deny the  
16 allegations in said Paragraph. Defendants further admit that the terms of the Plan are contained  
17 within the document itself which is the best proof and evidence of the nature and import of the  
18 document. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
19 pre-judgment or post-judgment interest, or attorneys' fees and costs.

20           99. In response to Paragraph 99 of the Complaint, Defendants admit that Plaintiff's  
21 claim file and records, including surveillance reports, are the best proof and evidence of the  
22 nature and import of those documents. Except as expressly admitted or denied herein,  
23 Defendants deny all remaining allegations in said Paragraph.

24           100. In response to Paragraph 100 of the Complaint, Defendants admit that Plaintiff's  
25 claim file and records are the best proof and evidence of the nature and import of those  
26 documents. Defendants are without knowledge or information sufficient to form a belief as to  
27 the truth of the allegations and, on that basis, deny the allegations in said Paragraph.  
28 Defendants further admit that the terms of the Plan are contained within the document itself

1 which is the best proof and evidence of the nature and import of the document. Except as  
2 expressly admitted or denied herein, Defendants deny all remaining allegations in said  
3 Paragraph.

4 101. In response to Paragraph 101 of the Complaint, Defendants admit that Plaintiff's  
5 claim file and records, including Plaintiff's medical records, including receipts for prescription  
6 refills, are the best proof and evidence of the nature and import of those documents. Defendants  
7 are without knowledge or information sufficient to form a belief as to the truth of the allegations  
8 and, on that basis, deny the allegations in said Paragraph.

9 102. In response to Paragraph 102 of the Complaint, Defendants admit that Plaintiff's  
10 claim file and records, including LINA's records of benefits payments and Plaintiff's check  
11 stubs, are the best proof and evidence of the nature and import of those documents. Defendants  
12 deny that Plaintiff is entitled to further LTD benefits under the Plan, or pre-judgment or post-  
13 judgment interest, or attorneys' fees and costs. Except as expressly admitted or denied herein,  
14 Defendants deny the remaining allegations in said paragraph.

15 103. In response to Paragraph 103 of the Complaint, Defendants admit that Plaintiff's  
16 claim file and records, including LINA letter of December 13, 2005, are the best proof and  
17 evidence of the nature and import of those documents. Defendants further admit that the terms  
18 of the Plan are contained within the document itself which is the best proof and evidence of the  
19 nature and import of the document. Defendants deny that Plaintiff is entitled to further LTD  
20 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.  
21 Except as expressly admitted or denied herein, Defendants deny the remaining allegations in  
22 said Paragraph.

23 104-a-j. In response to Paragraph 104-a-j of the Complaint, Defendants admit that  
24 Plaintiff's claim file and records are the best proof and evidence of the nature and import of  
25 those documents. Defendants further admit that the terms of the Plan are contained within the  
26 document itself which is the best proof and evidence of the nature and import of the document.  
27 Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or pre-  
28 judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly admitted

1 or denied herein, Defendants deny all remaining allegations in said Paragraph.

2 105. In response to Paragraph 105 of the Complaint, Defendants admit that Plaintiff's  
3 claim file and records, including surveillance reports and correspondence from LINA to  
4 Plaintiff, are the best proof and evidence of the nature and import of those documents.  
5 Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or pre-  
6 judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly admitted  
7 or denied herein, Defendants deny the remaining allegations in said Paragraph.

8 106. In response to Paragraph 106 of the Complaint, Defendants admit that Plaintiff's  
9 claim file and records, including surveillance reports and correspondence from LINA to  
10 Plaintiff, are the best proof and evidence of the nature and import of those documents.  
11 Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or pre-  
12 judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly admitted  
13 or denied herein, Defendants deny the remaining allegations in said Paragraph.

14 107. In response to Paragraph 107 of the Complaint, Defendants admit that Plaintiff's  
15 claim file and records are the best proof and evidence of the nature and import of those  
16 documents. Defendants are without knowledge or information sufficient to form a belief as to  
17 the truth of the allegations and, on that basis, deny the allegations in said Paragraph.  
18 Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or pre-  
19 judgment or post-judgment interest, or attorneys' fees and costs.

20 108. In response to Paragraph 108 of the Complaint, Defendants admit that Plaintiff's  
21 claim file and records, including surveillance reports, are the best proof and evidence of the  
22 nature and import of those documents. Defendants further admit that the terms of the Plan are  
23 contained within the document itself which is the best proof and evidence of the nature and  
24 import of the document. Defendants deny that Plaintiff is entitled to further LTD benefits under  
25 the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs. Except as  
26 expressly admitted or denied herein, Defendants deny all remaining allegations in said  
27 Paragraph.

28 ///

1           109. In response to Paragraph 109 of the Complaint, Defendants admit that Plaintiff's  
2 claim file and records, including LINA's denial letter of December 13, 2005, are the best proof  
3 and evidence of the nature and import of those documents. Defendants deny that the  
4 surveillance was misrepresented and faulty. Defendants deny that Plaintiff is entitled to further  
5 LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and  
6 costs. Except as expressly admitted or denied herein, Defendants deny the remaining  
7 allegations in said Paragraph.

8           110. In response to Paragraph 110 of the Complaint, Defendants admit that Plaintiff's  
9 claim file and records, including LINA's denial letters, are the best proof and evidence of the  
10 nature and import of those documents. Defendants admit that no payment was sent to Plaintiff  
11 following his denial of benefits. Defendants deny that Plaintiff is entitled to further LTD  
12 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.  
13 Except as expressly admitted or denied herein, Defendants deny the remaining allegations in  
14 said Paragraph.

15           111. In response to Paragraph 111 of the Complaint, Defendants admit that Plaintiff's  
16 claim file and records, including LINA's denial letter of December 13, 2005, are the best proof  
17 and evidence of the nature and import of those documents. Defendants deny that Plaintiff is  
18 entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or  
19 attorneys' fees and costs. Except as expressly admitted or denied herein, Defendants deny the  
20 remaining allegations in said Paragraph.

21           112. In response to Paragraph 112 of the Complaint, Defendants admit that Plaintiff's  
22 claim file and records, including LINA's denial letter of December 13, 2005, are the best proof  
23 and evidence of the nature and import of those documents. Defendants deny that Plaintiff is  
24 entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or  
25 attorneys' fees and costs. Defendants are only required to respond to factual allegations, not to  
26 allegations concerning Plaintiff's application and interpretation of the law. Except as expressly  
27 admitted or denied herein, Defendants deny the remaining allegations in said Paragraph.

28 ///

1           113.       In response to Paragraph 113 of the Complaint, Defendants admit that Plaintiff's  
2 claim file and records, including LINA's letter of December 19, 2005, are the best proof and  
3 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
4 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
5 fees and costs.

6           114.       In response to Paragraph 114 of the Complaint, Defendants admit that Plaintiff's  
7 claim file and records, including LINA's letter of December 19, 2005, are the best proof and  
8 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
9 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
10 fees and costs. Except as expressly admitted or denied herein, Defendants deny all remaining  
11 allegations in said Paragraph.

12           115.       In response to Paragraph 115 of the Complaint, Defendants admit that Plaintiff's  
13 claim file and records, including LINA's letter of December 19, 2005, are the best proof and  
14 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
15 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
16 fees and costs. Except as expressly admitted or denied herein, Defendants deny the remaining  
17 allegations in said Paragraph.

18           116.       In response to Paragraph 116 of the Complaint, Defendants admit that Plaintiff's  
19 claim file and records, including LINA's letter of December 19, 2005, are the best proof and  
20 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
21 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
22 fees and costs. Except as expressly admitted or denied herein, Defendants deny all remaining  
23 allegations in said Paragraph.

24           117.       In response to Paragraph 117 of the Complaint, Defendants admit that Plaintiff's  
25 claim file and records, including LINA's letter of December 19, 2005, are the best proof and  
26 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
27 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
28 fees and costs. Except as expressly admitted or denied herein, Defendants deny the remaining

1 allegations in said Paragraph.

2 118. In response to Paragraph 118 of the Complaint, Defendants admit that Plaintiff's  
3 claim file and records are the best proof and evidence of the nature and import of those  
4 documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
5 pre-judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly  
6 admitted or denied herein, Defendants deny all remaining allegations in said Paragraph.

7 119. In response to Paragraph 119 of the Complaint, Defendants admit that Plaintiff's  
8 claim file and records are the best proof and evidence of the nature and import of those  
9 documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
10 pre-judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly  
11 admitted or denied herein, Defendants deny all remaining allegations in said Paragraph.

12 120. In response to Paragraph 120 of the Complaint, Defendants admit that Plaintiff's  
13 claim file and records are the best proof and evidence of the nature and import of those  
14 documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
15 pre-judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly  
16 admitted or denied herein, Defendants deny all remaining allegations in said Paragraph.

17 121. In response to Paragraph 121 of the Complaint, Defendants admit that Plaintiff's  
18 claim file and records are the best proof and evidence of the nature and import of those  
19 documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
20 pre-judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly  
21 admitted or denied herein, Defendants deny all remaining allegations in said Paragraph.

22 122. In response to Paragraph 122 of the Complaint, Defendants admit that Plaintiff's  
23 claim file and records are the best proof and evidence of the nature and import of those  
24 documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
25 pre-judgment or post-judgment interest, or attorneys' fees and costs. Defendants are without  
26 knowledge or information sufficient to form a belief as to the truth of the remaining allegations  
27 and, on that basis, deny the remaining allegations in said Paragraph.

28



1           123. In response to Paragraph 123 of the Complaint, Defendants admit that 29 C.F.R.  
2 § 2560.503-1 (m)(8) is the best proof and evidence of the nature and import of that code  
3 section. Defendants are only required to respond to factual allegations, not to allegations  
4 concerning Plaintiff's application and interpretation of the law. Defendants deny that Plaintiff  
5 is entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or  
6 attorneys' fees and costs.

7           124. In response to Paragraph 124 of the Complaint, Defendants admit that 29 C.F.R.  
8 § 2560.503-1 (m)(8) is the best proof and evidence of the nature and import of that code  
9 section. Defendants are only required to respond to factual allegations, not to allegations  
10 concerning Plaintiff's application and interpretation of the law. Defendants deny that Plaintiff  
11 is entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or  
12 attorneys' fees and costs. Except as expressly admitted or denied herein, Defendants deny the  
13 remaining allegations in said Paragraph.

14           125. In response to Paragraph 125 of the Complaint, Defendants admit that Plaintiff's  
15 claim file and records are the best proof and evidence of the nature and import of those  
16 documents. Defendants are only required to respond to factual allegations, not to allegations  
17 concerning Plaintiff's application and interpretation of the law. Defendants deny that Plaintiff  
18 is entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or  
19 attorneys' fees and costs. Except as expressly admitted or denied herein, Defendants deny the  
20 remaining allegations in said Paragraph.

21           126. In response to Paragraph 126 of the Complaint, Defendants deny all allegations  
22 in said Paragraph in their entirety.

23           127. In response to Paragraph 127 of the Complaint, Defendants admit that LINA is  
24 the claims administrator of said Plan, providing insurance under a group policy responsible for  
25 making benefits and eligibility decisions under the Plan. Defendants deny that Plaintiff is  
26 entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or  
27 attorneys' fees and costs. Defendants are only required to respond to factual allegations, not to  
28 allegations concerning Plaintiff's application and interpretation of the law. Except as expressly



1 admitted or denied herein, Defendants deny the remaining allegations in said Paragraph in their  
2 entirety.

3 127-(1)-(5). In response to Paragraph 127-(1)-(5) of the Complaint, Defendants deny  
4 all of the allegations in said Paragraph in their entirety.

5 128. In response to Paragraph 128 of the Complaint, Defendants admit that Plaintiff's  
6 claim file and records, including employment records, are the best proof and evidence of the  
7 nature and import of those documents. Defendants deny that Plaintiff is entitled to further LTD  
8 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.  
9 Defendants are without knowledge or information sufficient to form a belief as to the truth of  
10 the remaining allegations and, on that basis, deny the remaining allegations in said Paragraph.

11 129. In response to Paragraph 129 of the Complaint, Defendants admit that Plaintiff's  
12 claim file and records are the best proof and evidence of the nature and import of those  
13 documents. Defendants further admit that the terms of the Plan are contained within the  
14 document itself which is the best proof and evidence of the nature and import of the document.  
15 Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or pre-  
16 judgment or post-judgment interest, or attorneys' fees and costs.

17 130. In response to Paragraph 130 of the Complaint, Defendants admit that Plaintiff's  
18 claim file and records, including reports drafted by Dr. Stacey Lin, are the best proof and  
19 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
20 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
21 fees and costs. Except as expressly admitted or denied herein, Defendants deny the remaining  
22 allegations in said Paragraph.

23 131. In response to Paragraph 131 of the Complaint, Defendants admit that Plaintiff's  
24 claim file and records, including reports drafted by Dr. Patrick Padilla regarding his  
25 examination of Plaintiff on January 4, 2006, are the best proof and evidence of the nature and  
26 import of those documents. Defendants deny that Plaintiff is entitled to further LTD benefits  
27 under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs. Except  
28 as expressly admitted or denied herein, Defendants deny the remaining allegations in said

1 Paragraph.

2 132. In response to Paragraph 132 of the Complaint, Defendants admit that Plaintiff's  
3 claim file and records, including reports drafted by Dr. Patrick Padilla on or about January 4,  
4 2006, and the definition of osteophytes found in a medical dictionary are the best proof and  
5 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
6 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
7 fees and costs. Except as expressly admitted or denied herein, Defendants deny the remaining  
8 allegations in said Paragraph.

9 133. In response to Paragraph 133 of the Complaint, Defendants are without  
10 knowledge or information sufficient to form a belief as to the truth of the allegations and, on  
11 that basis, deny all the allegations in said Paragraph.

12 134. In response to Paragraph 134 of the Complaint, Defendants admit that Plaintiff's  
13 claim file and records, including reports drafted by Dr. James Helgager on or about February 9,  
14 2006, are the best proof and evidence of the nature and import of those documents. Defendants  
15 deny that Plaintiff is entitled to further LTD benefits under the Plan, or pre-judgment or post-  
16 judgment interest, or attorneys' fees and costs. Except as expressly admitted or denied herein,  
17 Defendants deny the remaining allegations in said Paragraph.

18 135. In response to Paragraph 135 of the Complaint, Defendants admit that Plaintiff's  
19 claim file and records, including reports drafted by Drs. Tohidi, Lin, Padilla and Helgager, are  
20 the best proof and evidence of the nature and import of those documents. Defendants deny that  
21 Plaintiff is entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment  
22 interest, or attorneys' fees and costs. Except as expressly admitted or denied herein, Defendants  
23 deny the remaining allegations in said Paragraph.

24 136. In response to Paragraph 136 of the Complaint, Defendants admit that Plaintiff's  
25 claim file and records, including Dr. Helgager's Physical Ability Assessment form, are the best  
26 proof and evidence of the nature and import of those documents. Defendants deny that Plaintiff  
27 is entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or  
28 attorneys' fees and costs. Except as expressly admitted or denied herein, Defendants deny the

1 remaining allegations in said Paragraph.

2       137. In response to Paragraph 137 of the Complaint, Defendants admit that Plaintiff's  
3 claim file and records, including Dr. Lin's report on or about March 13, 2006, are the best proof  
4 and evidence of the nature and import of those documents. Defendants deny that Plaintiff is  
5 entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or  
6 attorneys' fees and costs. Except as expressly admitted or denied herein, Defendants deny the  
7 remaining allegations in said Paragraph.

8       138. In response to Paragraph 138 of the Complaint, Defendants admit that Plaintiff's  
9 claim file and records, including Dr. Lin's Physical Ability Assessment form, are the best proof  
10 and evidence of the nature and import of those documents. Defendants deny that Plaintiff is  
11 entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or  
12 attorneys' fees and costs. Except as expressly admitted or denied herein, Defendants deny the  
13 remaining allegations in said Paragraph.

14       139. In response to Paragraph 139 of the Complaint, Defendants admit that Plaintiff's  
15 claim file and records, including reports drafted by Dr. James Helgager, are the best proof and  
16 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
17 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
18 fees and costs. Except as expressly admitted or denied herein, Defendants deny the remaining  
19 allegations in said Paragraph.

20       140. In response to Paragraph 140 of the Complaint, Defendants admit that Plaintiff's  
21 claim file and records, including his pharmacy records, are the best proof and evidence of the  
22 nature and import of those documents. Defendants deny that Plaintiff is entitled to further LTD  
23 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.  
24 Except as expressly admitted or denied herein, Defendants deny the remaining allegations in  
25 said Paragraph.

26       141. In response to Paragraph 141 of the Complaint, Defendants admit that Plaintiff's  
27 claim file and records, including his appeal submittal and addendum, are the best proof and  
28 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled

1 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
2 fees and costs. Except as expressly admitted or denied herein, Defendants admit the remaining  
3 allegations in said Paragraph.

4 142. In response to Paragraph 142 of the Complaint, Defendants admit that Plaintiff's  
5 claim file and records, including his appeal submittal and addendum, are the best proof and  
6 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
7 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
8 fees and costs. Except as expressly admitted or denied herein, Defendants admit the remaining  
9 allegations in said Paragraph.

10 143. In response to Paragraph 143 of the Complaint, Defendants admit that Plaintiff's  
11 claim file and records, including his appeal submittal and addendum, are the best proof and  
12 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
13 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
14 fees and costs. Except as expressly admitted or denied herein, Defendants admit the remaining  
15 allegations in said Paragraph.

16 144. In response to Paragraph 144 of the Complaint, Defendants admit that Plaintiff's  
17 claim file and records, including his appeal submittal and addendum and medical records from  
18 Drs. Ozerkis, Tohidi, Duff, Lin, Padilla, and Helgager, are the best proof and evidence of the  
19 nature and import of those documents. Defendants deny that Plaintiff is entitled to further LTD  
20 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.  
21 Except as expressly admitted or denied herein, Defendants admit the remaining allegations in  
22 said Paragraph.

23 145. In response to Paragraph 145 of the Complaint, Defendants admit that Plaintiff's  
24 claim file and records, including his appeal submittal and addendum, are the best proof and  
25 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
26 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
27 fees and costs. Except as expressly admitted or denied herein, Defendants admit the remaining  
28 allegations in said Paragraph.

1           146.     In response to Paragraph 146 of the Complaint, Defendants admit that Plaintiff's  
2 claim file and records, including his appeal submittal and addendum, are the best proof and  
3 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
4 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
5 fees and costs. Except as expressly admitted or denied herein, Defendants admit the remaining  
6 allegations in said Paragraph.

7           147.     In response to Paragraph 147 of the Complaint, Defendants admit that Plaintiff's  
8 claim file and records, including his appeal submittal and document entitled "Professional  
9 History and Job Analysis", are the best proof and evidence of the nature and import of those  
10 documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
11 pre-judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly  
12 admitted or denied herein, Defendants deny the remaining allegations in said Paragraph.

13           148.     In response to Paragraph 148 of the Complaint, Defendants admit that Plaintiff's  
14 claim file and records, including his appeal submittal and Functional Capacity Evaluation, are  
15 the best proof and evidence of the nature and import of those documents. Defendants deny that  
16 Plaintiff is entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment  
17 interest, or attorneys' fees and costs. Defendants are without knowledge or information  
18 sufficient to form a belief as to the truth of the remaining allegations and, on that basis, deny the  
19 remaining allegations in said Paragraph.

20           149.     In response to Paragraph 149 of the Complaint, Defendants admit that Plaintiff's  
21 claim file and records, including his appeal submittal, are the best proof and evidence of the  
22 nature and import of those documents. Defendants deny that Plaintiff is entitled to further LTD  
23 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.  
24 Defendants are without knowledge or information sufficient to form a belief as to the truth of  
25 the remaining allegations and, on that basis, deny the remaining allegations in said Paragraph.

26           150.     In response to Paragraph 150 of the Complaint, Defendants admit that Plaintiff's  
27 claim file and records, including his appeal submittal, are the best proof and evidence of the  
28 nature and import of those documents. Defendants deny that Plaintiff is entitled to further LTD

1 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.  
2 Defendants are without knowledge or information sufficient to form a belief as to the truth of  
3 the remaining allegations and, on that basis, deny the remaining allegations in said Paragraph.

4 151. In response to Paragraph 151 of the Complaint, Defendants admit that Plaintiff's  
5 claim file and records, including surveillance reports and LINA's denial letter, are the best proof  
6 and evidence of the nature and import of those documents. Defendants deny that Plaintiff is  
7 entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or  
8 attorneys' fees and costs. Except as expressly admitted or denied herein, Defendants deny the  
9 remaining allegations in said Paragraph.

10 152. In response to Paragraph 152 of the Complaint, Defendants admit that Plaintiff's  
11 claim file and records, including Plaintiff's 15 page affidavit attached as Exhibit B to the  
12 Complaint and Functional Capacity Evaluation attached as Exhibit C to the Complaint, are the  
13 best proof and evidence of the nature and import of those documents. Defendants deny that  
14 Plaintiff is entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment  
15 interest, or attorneys' fees and costs. Except as expressly admitted or denied herein, Defendants  
16 deny the remaining allegations in said Paragraph.

17 153. In response to Paragraph 153 of the Complaint, Defendants admit that Plaintiff's  
18 claim file and records, including articles accompanying Plaintiff's appeal, are the best proof and  
19 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
20 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
21 fees and costs. Defendants are without knowledge or information sufficient to form a belief as  
22 to the truth of the remaining allegations and, on that basis, deny the remaining allegations in  
23 said Paragraph.

24 154. In response to Paragraph 154 of the Complaint, Defendants admit that Plaintiff's  
25 claim file and records, including Plaintiff's "Analysis of Denial and Benefits Letter" attached as  
26 Exhibit D to the Complaint, are the best proof and evidence of the nature and import of those  
27 documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
28 pre-judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly



1 admitted or denied herein, Defendants deny the remaining allegations in said Paragraph.

2 155. In response to Paragraph 155 of the Complaint, Defendants admit that Plaintiff's  
3 claim file and records, including LINA's July 10, 2006 denial letter of Plaintiff's appeal  
4 attached as Exhibit E to the Complaint, are the best proof and evidence of the nature and import  
5 of those documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the  
6 Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs. Except as  
7 expressly admitted or denied herein, Defendants deny the remaining allegations in said  
8 Paragraph.

9 156. In response to Paragraph 156 of the Complaint, Defendants admit that Plaintiff's  
10 claim file and records, including LINA's July 10, 2006 denial letter of Plaintiff's appeal  
11 attached as Exhibit E to the Complaint, are the best proof and evidence of the nature and import  
12 of those documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the  
13 Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs. Except as  
14 expressly admitted or denied herein, Defendants deny the remaining allegations in said  
15 Paragraph.

16 157. In response to Paragraph 157 of the Complaint, Defendants admit that Plaintiff's  
17 claim file and records, including medical records and doctors' reports, are the best proof and  
18 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
19 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
20 fees and costs. Except as expressly admitted or denied herein, Defendants deny the remaining  
21 allegations in said Paragraph.

22 158. In response to Paragraph 158 of the Complaint, Defendants admit that Plaintiff's  
23 claim file and records, including medical records and doctors' reports, are the best proof and  
24 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
25 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
26 fees and costs. Except as expressly admitted or denied herein, Defendants deny the remaining  
27 allegations in said Paragraph.

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1           159. In response to Paragraph 159 of the Complaint, Defendants admit that Plaintiff's  
2 claim file and records, including LINA's denial letters, are the best proof and evidence of the  
3 nature and import of those documents. Defendants deny that Plaintiff is entitled to further LTD  
4 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.  
5 Except as expressly admitted or denied herein, Defendants deny the remaining allegations in  
6 said Paragraph.

7           160. In response to Paragraph 160 of the Complaint, Defendants admit that Plaintiff's  
8 claim file and records, including Plaintiff's July 18, 2006 letter, are the best proof and evidence  
9 of the nature and import of those documents. Defendants deny that Plaintiff is entitled to further  
10 LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and  
11 costs. Except as expressly admitted or denied herein, Defendants deny the remaining  
12 allegations in said Paragraph.

13           161. In response to Paragraph 161 of the Complaint, Defendants admit that Plaintiff's  
14 claim file and records, including Plaintiff's July 18, 2006 letter, are the best proof and evidence  
15 of the nature and import of those documents. Defendants deny that Plaintiff is entitled to further  
16 LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and  
17 costs. Except as expressly admitted or denied herein, Defendants deny the remaining  
18 allegations in said Paragraph.

19           162. In response to Paragraph 162 of the Complaint, Defendants admit that Plaintiff's  
20 claim file and records, including reports drafted by occupational consultants, are the best proof  
21 and evidence of the nature and import of those documents. Defendants deny that Plaintiff is  
22 entitled to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or  
23 attorneys' fees and costs. Except as expressly admitted or denied herein, Defendants deny the  
24 remaining allegations in said Paragraph.

25           163. In response to Paragraph 163 of the Complaint, Defendants admit that Plaintiff's  
26 claim file and records, including Plaintiff's July 28, 2006, September 8, 2006, and October 16,  
27 2006 letters, are the best proof and evidence of the nature and import of those documents.  
28 Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or pre-

1 judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly admitted  
2 or denied herein, Defendants deny the remaining allegations in said Paragraph.

3 164. In response to Paragraph 164 of the Complaint, Defendants admit that Plaintiff's  
4 claim file and records are the best proof and evidence of the nature and import of those  
5 documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
6 pre-judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly  
7 admitted or denied herein, Defendants deny the remaining allegations in said Paragraph.

8 165. In response to Paragraph 165 of the Complaint, Defendants admit that Plaintiff's  
9 claim file and records, including Plaintiff's January 4, 2007 second appeal attached as Exhibit F  
10 to the Complaint, are the best proof and evidence of the nature and import of those documents.  
11 Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or pre-  
12 judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly admitted  
13 or denied herein, Defendants deny the remaining allegations in said Paragraph.

14 166. In response to Paragraph 166 of the Complaint, Defendants admit that Plaintiff's  
15 claim file and records, including Plaintiff's January 4, 2007 second appeal attached as Exhibit F  
16 to the Complaint, are the best proof and evidence of the nature and import of those documents.  
17 Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or pre-  
18 judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly admitted  
19 or denied herein, Defendants deny the remaining allegations in said Paragraph.

20 167. In response to Paragraph 167 of the Complaint, Defendants admit that Plaintiff's  
21 claim file and records, including Plaintiff's January 4, 2007 second appeal attached as Exhibit F  
22 to the Complaint and 1991 D.O.T. and O\*NET, are the best proof and evidence of the nature  
23 and import of those documents. Defendants deny that Plaintiff is entitled to further LTD  
24 benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys' fees and costs.  
25 Except as expressly admitted or denied herein, Defendants deny the remaining allegations in  
26 said Paragraph.

27 168. In response to Paragraph 168 of the Complaint, Defendants admit that Plaintiff's  
28 claim file and records, including Plaintiff's January 4, 2007 second appeal attached as Exhibit F

1 to the Complaint, table of exam dates and medical chronology attached as Exhibit G to the  
2 Complaint, and time line attached as Appendix A to the Complaint are the best proof and  
3 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
4 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
5 fees and costs. Except as expressly admitted or denied herein, Defendants deny the remaining  
6 allegations in said Paragraph.

7 169. In response to Paragraph 169 of the Complaint, Defendants admit that Plaintiff's  
8 claim file and records, including Plaintiff's January 4, 2007 second appeal and a letter from Dr.  
9 Tohidi, dated October 23, 2006, attached as Exhibit F to the Complaint, are the best proof and  
10 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
11 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
12 fees and costs. Except as expressly admitted or denied herein, Defendants deny the remaining  
13 allegations in said Paragraph.

14 170. In response to Paragraph 170 of the Complaint, Defendants admit that Plaintiff's  
15 claim file and records, including LINA's February 21, 2007 letter, are the best proof and  
16 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
17 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
18 fees and costs. Except as expressly admitted or denied herein, Defendants deny the remaining  
19 allegations in said Paragraph.

20 171. In response to Paragraph 171 of the Complaint, Defendants admit that Plaintiff's  
21 claim file and records, including correspondence on February 28, 2007 and April 20, 2007 from  
22 Plaintiff's counsel to LINA, are the best proof and evidence of the nature and import of those  
23 documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
24 pre-judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly  
25 admitted or denied herein, Defendants deny the remaining allegations in said Paragraph.

26 172. In response to Paragraph 172 of the Complaint, Defendants are without  
27 knowledge or information sufficient to form a belief as to the truth of the allegations and, on  
28 that basis, deny the allegations in said Paragraph. Defendants deny that Plaintiff is entitled to

1 further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
2 fees and costs

3 173. In response to Paragraph 173 of the Complaint, Defendants are without  
4 knowledge or information sufficient to form a belief as to the truth of the allegations and, on  
5 that basis, admit that Plaintiff's counsel contacted the California Department of Insurance  
6 ("CDI"). Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
7 pre-judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly  
8 admitted or denied herein, Defendants deny the remaining allegations in said Paragraph.

9 174. In response to Paragraph 174 of the Complaint, Defendants admit that Plaintiff's  
10 claim file and records, including correspondence between LINA and Plaintiff's counsel and  
11 correspondence from the CDI, are the best proof and evidence of the nature and import of those  
12 documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
13 pre-judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly  
14 admitted or denied herein, Defendants deny the remaining allegations in said Paragraph.

15 175. In response to Paragraph 175 of the Complaint, Defendants admit that Plaintiff's  
16 claim file and records, including medical records and doctors' reports, are the best proof and  
17 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
18 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
19 fees and costs. Except as expressly admitted or denied herein, Defendants deny the remaining  
20 allegations in said Paragraph.

21 176. In response to Paragraph 176 of the Complaint, Defendants admit that Plaintiff  
22 submitted second appeal materials on or about June 26, 2007 and July 7, 2007. Defendants  
23 further admit that Plaintiff's claim file and records, including Plaintiff's second appeal  
24 materials, are the best proof and evidence of the nature and import of those documents. Except  
25 as expressly admitted or denied herein, Defendants deny the remaining allegations in said  
26 Paragraph.

27 177. In response to Paragraph 177 of the Complaint, Defendants admit that Plaintiff's  
28 claim file and records, including any records sent to outside peer review, are the best proof and

1 evidence of the nature and import of those documents. Except as expressly admitted or denied  
2 herein, Defendants deny the remaining allegations in said Paragraph.

3 178. In response to Paragraph 178 of the Complaint, Defendants admit that Intracorp  
4 d/b/a International Rehabilitation Associates, Inc. is a wholly-owned subsidiary of CIGNA.

5 179. In response to Paragraph 179 of the Complaint, Defendants admit that Plaintiff's  
6 claim file and records, including LINA's July 18, 2007 denial letter attached as Exhibit H to the  
7 Complaint, are the best proof and evidence of the nature and import of those documents.  
8 Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or pre-  
9 judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly admitted  
10 or denied herein, Defendants deny the remaining allegations in said Paragraph.

11 180. In response to Paragraph 180 of the Complaint, Defendants admit that Plaintiff's  
12 claim file and records, including medical records, are the best proof and evidence of the nature  
13 and import of those documents. Except as expressly admitted or denied herein, Defendants  
14 deny the remaining allegations in said Paragraph.

15 181. In response to Paragraph 181 of the Complaint, Defendants admit that Plaintiff's  
16 claim file and records are the best proof and evidence of the nature and import of those  
17 documents. Except as expressly admitted or denied herein, Defendants deny the remaining  
18 allegations in said Paragraph.

19 182. In response to Paragraph 182 of the Complaint, Defendants admit that Plaintiff's  
20 claim file and records are the best proof and evidence of the nature and import of those  
21 documents. Except as expressly admitted or denied herein, Defendants deny the remaining  
22 allegations in said Paragraph.

23 183. In response to Paragraph 183 of the Complaint, Defendants admit that Plaintiff's  
24 claim file and records are the best proof and evidence of the nature and import of those  
25 documents. Defendants deny that Plaintiff is entitled to further LTD benefits under the Plan, or  
26 pre-judgment or post-judgment interest, or attorneys' fees and costs. Except as expressly  
27 admitted or denied herein, Defendants deny the remaining allegations in said Paragraph.

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1           184. In response to Paragraph 184 of the Complaint, Defendants admit that Plaintiff's  
2 claim file and records, including correspondence drafted by LINA, is the best proof and  
3 evidence of the nature and import of those documents. Defendants deny that Plaintiff is entitled  
4 to further LTD benefits under the Plan, or pre-judgment or post-judgment interest, or attorneys'  
5 fees and costs. Except as expressly admitted or denied herein, Defendants deny the remaining  
6 allegations in said Paragraph.

7           185. In response to Paragraph 185 of the Complaint, Defendants admit that Plaintiff's  
8 claim file and records, including correspondence drafted by LINA, medical records and reports,  
9 is the best proof and evidence of the nature and import of those documents. Defendants deny  
10 that Plaintiff is entitled to further LTD benefits under the Plan, or pre-judgment or post-  
11 judgment interest, or attorneys' fees and costs. Except as expressly admitted or denied herein,  
12 Defendants deny the remaining allegations in said Paragraph.

13           186. In response to Paragraph 186 of the Complaint, Defendants admit that Plaintiff's  
14 claim file and records, including Plaintiff's August 29, 2007 letter attached as Exhibit I to the  
15 Complaint, is the best proof and evidence of the nature and import of those documents. Except  
16 as expressly admitted or denied herein, Defendants deny the remaining allegations in said  
17 Paragraph.

18           187. In response to Paragraph 187 of the Complaint, Defendants admit that Plaintiff's  
19 claim file and records, including Plaintiff's August 29, 2007 letter attached as Exhibit I to the  
20 Complaint, is the best proof and evidence of the nature and import of those documents. Except  
21 as expressly admitted or denied herein, Defendants deny the remaining allegations in said  
22 Paragraph.

23           188. In response to Paragraph 188 of the Complaint, Defendants admit that Plaintiff's  
24 claim file and records, including Plaintiff's September 17, 2007 letter attached as Exhibit J to  
25 the Complaint, is the best proof and evidence of the nature and import of those documents.  
26 Except as expressly admitted or denied herein, Defendants deny the remaining allegations in  
27 said Paragraph.

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1           189. In response to Paragraph 189 of the Complaint, Defendants admit that Plaintiff's  
2 claim file and records, including Plaintiff's September 17, 2007 letter attached as Exhibit J to  
3 the Complaint and any response from LINA, are the best proof and evidence of the nature and  
4 import of those documents. Except as expressly admitted or denied herein, Defendants deny the  
5 remaining allegations in said Paragraph.

6           190. In response to Paragraph 190 of the Complaint, Defendants deny the allegations  
7 in their entirety.

8           191. In response to Paragraph 191 of the Complaint, Defendants admit that the  
9 content of the program which aired on CNN on April 25, 2008 is the best proof and evidence of  
10 the nature and import of that program. Except as expressly admitted or denied herein,  
11 Defendants deny the remaining allegations in said Paragraph.

12           192. In response to Paragraph 192 of the Complaint, Defendants deny all the  
13 allegations of said Paragraph in their entirety.

14           193. In response to Paragraph 193 of the Complaint, Defendants deny all the  
15 allegations of said Paragraph in their entirety.

16           194. In response to Paragraph 194 of the Complaint, Defendants deny all the  
17 allegations of said Paragraph in their entirety.

18           195. In response to Paragraph 195 of the Complaint, Defendants deny all the  
19 allegations of said Paragraph in their entirety.

20           196. In response to Paragraph 196 of the Complaint, Defendants deny all the  
21 allegations of said Paragraph in their entirety.

22           197. In response to Paragraph 197 of the Complaint, Defendants deny all the  
23 allegations of said Paragraph in their entirety.

24           198. In response to Paragraph 198 of the Complaint, Defendants deny all the  
25 allegations of said Paragraph in their entirety.

26           199. In response to Paragraph 199 of the Complaint, Defendants deny all the  
27 allegations of said Paragraph in their entirety.

28       ///

1       200. In response to Paragraph 200 of the Complaint, Defendants deny all the  
2 allegations of said Paragraph in their entirety.

3       201. In response to Paragraph 201 of the Complaint, Defendants deny all the  
4 allegations of said Paragraph in their entirety.

5                   **ANSWERS TO PRAYER FOR RELIEF**

6       202. Defendants deny the Plaintiff is entitled to any of the relief requested by the  
7 Prayer for Relief, subsections 1, 2, 3, 4, 6, 7 and 8 in the Complaint.

8                   **AFFIRMATIVE DEFENSES**

9                   **FIRST AFFIRMATIVE DEFENSE**

10                   **(Failure to State a Claim)**

11       203. Plaintiff's Complaint fails to state a claim upon which relief may be granted  
12 against Defendants.

13                   **SECOND AFFIRMATIVE DEFENSE**

14                   **(Proper Claim Decision)**

15       204. The claim decision was correct and proper under the terms of the Plan.

16                   **THIRD AFFIRMATIVE DEFENSE**

17                   **(Decision Not Arbitrary or Capricious)**

18       205. Under the terms of the Plan, LINA is vested with discretionary authority to  
19 determine eligibility for benefits and to interpret the terms and provisions of the insurance  
20 policy. The claim decision is properly reviewed by the court under an arbitrary and capricious  
21 standard of review. The decision to deny Plaintiff's claim for continued long term disability  
22 benefits was not arbitrary and capricious.

23                   **FOURTH AFFIRMATIVE DEFENSE**

24                   **(Ineligibility for Coverage)**

25       206. Plaintiff was not eligible for coverage under the Plan as he failed to demonstrate  
26 total disability under the terms of the Plan.

27       ///

28       ///

**FIFTH AFFIRMATIVE DEFENSE**

**(Waiver and Estoppel)**

207. By his conduct or that of his agents, Plaintiff has waived, or is estopped to assert, every claim for relief against Defendants set forth in his Complaint.

**SIXTH AFFIRMATIVE DEFENSE**

**(Parol Evidence Rule)**

208. Plaintiff's claims for relief are barred by the parol evidence rule, to the extent that such rule has been made a part of the federal common law of ERISA.

**SEVENTH AFFIRMATIVE DEFENSE**

**(Unjust Enrichment)**

209. Plaintiff's claims are barred by principles of unjust enrichment.

**EIGHTH AFFIRMATIVE DEFENSE**

**(Privileged and Good Faith Conduct)**

210. Defendants allege that each and every act or statement done or made by Defendants, or by Defendants' agents, with reference to Plaintiff, was privileged as a good faith assertion of Defendants' legal and contractual rights.

**NINTH AFFIRMATIVE DEFENSE**

**(Failure to Comply with Plan Terms)**

211. Defendants assert that Plaintiff has failed to comply with the terms of the Plan that is subject of this action, and accordingly, Plaintiff's claim for benefits is barred.

**TEN AFFIRMATIVE DEFENSE**

**(Statute of Limitations)**

212. Defendants assert that Plaintiff's claim for benefits is time barred under the provisions of the Plan that is the subject of this action, applicable statutes of limitations and/or statutes of limitations under ERISA.

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**ELEVENTH AFFIRMATIVE DEFENSE**

**(Entitlement to Set-Off)**

213. To the extent that a court holds that Plaintiff is entitled to benefits, which Defendants deny, Defendants are entitled to a set-off for any additional other income benefits that should be taken into account in calculating his long term disability benefits, including, but not limited to, any benefits Plaintiff has received from the Social Security Administration or Workers' Compensation.

215. Defendants reserve the right to assert additional defenses based on information gathered in the course of additional investigation and discovery.

**WHEREFORE, DEFENDANTS** pray for judgment as follows:

1. That Plaintiff take nothing against Defendants by reason of his Complaint on file herein, that judgment be awarded in favor of Defendants, and against Plaintiff, and that Defendants be dismissed from this action with prejudice;

2. That Defendants be awarded their attorneys' fees incurred herein;

3. That Defendants be awarded their costs of suit; and

4. That the Court grant such other and further relief as it may deem just and proper.

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP

Dated: July 21, 2008

By: /s/ Sherida A. Stroble

Attorneys for Defendants  
LIFE INSURANCE COMPANY OF NORTH  
AMERICA and GROUP LONG TERM  
DISABILITY INSURANCE PLANFOR  
ADMINISTAFF OF TEXAS INC. AND  
PARTICIPATING COMPANIES

PROOF OF SERVICE

I, Sherida A. Stroble, declare that:

I am employed in the County of Los Angeles, State of California; I am over the age of 18 years and not a party to the within action; my business address 555 South Flower Street, Los Angeles, California 90071.

On July 21, 2008, I served the following document(s):

**DEFENDANTS' ANSWER TO COMPLAINT**

on the interested parties in this action by placing a true and correct copy thereof, enclosed in a sealed envelope addressed as follows:

08cv0893 WQH (RBB) **Notice will be electronically mailed to:**

Thomas M. Monson [tommonson@erisa-law.com](mailto:tommonson@erisa-law.com)

Susan L. Horner [susanhorner@erisa-law.com](mailto:susanhorner@erisa-law.com)

XXX BY ELECTRONIC SUBMISSION of the document(s) via Portable Document Format (.pdf), by uploading such documents using the court's CM/ECF system case filing which automatically generates a Notice of Electronic or NEF which allows registered e-filers to retrieve the document(s) automatically.

Executed on July 21, 2008, at Los Angeles, California.

XXX **[FEDERAL]** I declare that I am employed in the office of a member of the bar of this court at whose direction this service was made.

/s/ Sherida A. Stroble  
Sherida A. Stroble,  
Attorney for Defendants